IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE SECOND DAY OF AUGUST
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE C.V.RAMULU

WRIT PETITION No. 25437 of 1999

Between:

B.Ramesh and 9 others

..... PETITIONERS

AND

The A.P.TRANSCO, rep.by its

Chairman & Managing Director,

Vidyutsoudha, Hyderabad and

4 others

.....RESPONDENTS

ORDER:

This writ petition is filed seeking a Mandamus, declaring the action of the respondents in not absorbing the petitioners in the respondent organization, as arbitrary, illegal, and violative of Article 14 of the Constitution of India, and also contrary to the judgment of this Court reported in 1998 (2) ALT 467 and the judgment of the Supreme Court reported in JT 1999 (2) SC 435, and consequently to direct the respondents to absorb the petitioners in any suitable post.

It is the case of the petitioners that they have been working as skilled/unskilled contract labour as Helpers at EHT lines Ramagundam division, T.L.O. Sub Division, A.P.TRANSCO since 16.05.1997 through the licensed contractor M/s.K.Narasimha for the work of rectification of break down and 220/132 KV Sub-station maintenance works etc. The contract was being extended from time to time and even as on the date of filing of the writ petition, they were working. While so, the respondent organization issued B.P.Ms.No.36, dated 18.05.1997 contemplating certain guidelines for absorption of ex-casual labour, village electricity workers and the contract labour, working in other than 33 abolished categories of employment, vide G.O.Ms.No.41 dated 23.09.1996. The petitioners are fully qualified and eligible for being absorbed against 50% of vacancies as on 18.05.1997. The respondent organization further issued another B.P.Ms.No.271, dated 31.12.1997 contemplating certain guidelines for absorption, and as per that B.P.Ms. the contract labour who were on rolls as on 18.05.1997, are only eligible for absorption. Therefore, their cases ought to have been considered for appointment in the 50% of vacancies in the category of ex-casual labour. The respondents have not considered their cases. Hence this writ petition.

A detailed counter affidavit has been filed by the respondents denying the allegations made by the petitioners and it was further asserted that in fact the petitioners were interviewed on 28.01.1999 and they were intimated that since 50% of vacancies were already filled up, the question of their absorption does not arise.

I have given my earnest consideration to the respective submissions made by the learned counsel on either side and looked into the material made available on record.

At the outset, I am of the opinion that the petitioners have not made any ground to grant any relief in this writ petition. Admittedly, B.P.Ms.No.36 was issued on 18.05.1997. Even according to the petitioners, they were engaged by a licensed contractor as on 16.05.1997. Even otherwise the respondents have asserted that the petitioners were interviewed on 28.01.1999 and it was found that since already 50% of vacancies were filled up the question of absorption of these petitioners does not arise. I am of the opinion that the respondents have not committed any error. The petitioner have not put in even two days of service prior to issuance of B.P.Ms.No.36, dated 18.05.1997. Even otherwise, the respondents have considered their cases and rejected. No reply is filed by the petitioners rebutting the version of the respondents that the petitioners were already interviewed and their cases were considered. The writ petition is devoid of merits and is liable to be dismissed.

Accordingly, the Writ Petition is dismissed. However the respondents 1 to 4 are directed to communicate the result of the interview, said to be held on 28.01.1999, in writing, to the petitioners, and on such communication being received, if the petitioners are so advised, they are at liberty to question the said proceedings before appropriate forum. No order as to costs.

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C.V.RAMULU,J

Dated: 02.08.2005

Dsr